

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony and evidence revealed that the subject property, located between Bird River Beach Road and Stumps Lane, consists of 4.03 acres, more or less, zoned P.C. 2, and is improved with a riding stable, parking area, a private drive, and six wood frame barns as depicted on Petitioner's Exhibit 1. The Petitioners are desirous of legalizing the use of the subject property as a riding stable. Testimony indicated that Mr. & Mrs. Thomas Shifflett have operated the subject riding stable for the past 8 years and that they lease the adjacent 63 acres surrounding this property

William Sunderland appeared and testified in opposition to the Petitioners' request. Mr. Sunderland resides on approximately 4 acres located at the intersection of Bird River Beach Road and Ebenezer Road, known as 6602 Ebenezer Road. Mr. Sunderland testified that he is 81 years of age and has lived there for the past 56 years. Mr. Sunderland testified that he has experienced problems with horseback riders leaving the site of the riding stable and riding their horses along Bird River Beach Road and Ebenezer Road. Testimony at the hearing revealed that many of the horse owners will take their horses to the nearby quarry and other


- 2-

While Mr. Sunderland was concerned about the horse dung found along Bird River Beach Road and Ebenezer Road, the Petitioners stated that there are other horses kept in the community and that some of the dung seen on the streets could have been from those horses and not their own. However, the evidence is clear that the majority of horses kept in the

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

3) The Petitioners shall be limited to boarding only 30 horses. Any increase over and above the 30 horses will require another public hearing to determine the appropriateness of any expansion over 30 horses.

- 5 -


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

People's Counsel; File

5

ESTIMATED LENGTH OF HEARING 14/2

unavailable for Hearing

ALL ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12 ☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17 ☐ 18 ☐ 19 ☐ 20 ☐ 21 ☐ 22 ☐ 23 ☐ 24 ☐ 25 ☐ 26 ☐ 27 ☐ 28 ☐ 29 ☐ 30 ☐ 31 ☐ 32 ☐ 33 ☐ 34 ☐ 35 ☐ 36 ☐ 37 ☐ 38 ☐ 39 ☐ 40 ☐ 41 ☐ 42 ☐ 43 ☐ 44 ☐ 45 ☐ 46 ☐ 47 ☐ 48 ☐ 49 ☐ 50 ☐ 51 ☐ 52 ☐ 53 ☐ 54 ☐ 55 ☐ 56 ☐ 57 ☐ 58 ☐ 59 ☐ 60 ☐ 61 ☐ 62 ☐ 63 ☐ 64 ☐ 65 ☐ 66 ☐ 67 ☐ 68 ☐ 69 ☐ 70 ☐ 71 ☐ 72 ☐ 73 ☐ 74 ☐ 75 ☐ 76 ☐ 77 ☐ 78 ☐ 79 ☐ 80 ☐ 81 ☐ 82 ☐ 83 ☐ 84 ☐ 85 ☐ 86 ☐ 87 ☐ 88 ☐ 89 ☐ 90 ☐ 91 ☐ 92 ☐ 93 ☐ 94 ☐ 95 ☐ 96 ☐ 97 ☐ 98 ☐ 99 ☐ 100 ☐ 101 ☐ 102 ☐ 103 ☐ 104 ☐ 105 ☐ 106 ☐ 107 ☐ 108 ☐ 109 ☐ 110 ☐ 111 ☐ 112 ☐ 113 ☐ 114 ☐ 115 ☐ 116 ☐ 117 ☐ 118 ☐ 119 ☐ 120 ☐ 121 ☐ 122 ☐ 123 ☐ 124 ☐ 125 ☐ 126 ☐ 127 ☐ 128 ☐ 129 ☐ 130 ☐ 131 ☐ 132 ☐ 133 ☐ 134 ☐ 135 ☐ 136 ☐ 137 ☐ 138 ☐ 139 ☐ 140 ☐ 141 ☐ 142 ☐ 143 ☐ 144 ☐ 145 ☐ 146 ☐ 147 ☐ 148 ☐ 149 ☐ 150 ☐ 151 ☐ 152 ☐ 153 ☐ 154 ☐ 155 ☐ 156 ☐ 157 ☐ 158 ☐ 159 ☐ 160 ☐ 161 ☐ 162 ☐ 163 ☐ 164 ☐ 165 ☐ 166 ☐ 167 ☐ 168 ☐ 169 ☐ 170 ☐ 171 ☐ 172 ☐ 173 ☐ 174 ☐ 175 ☐ 176 ☐ 177 ☐ 178 ☐ 179 ☐ 180 ☐ 181 ☐ 182 ☐ 183 ☐ 184 ☐ 185 ☐ 186 ☐ 187 ☐ 188 ☐ 189 ☐ 190 ☐ 191 ☐ 192 ☐ 193 ☐ 194 ☐ 195 ☐ 196 ☐ 197 ☐ 198 ☐ 199 ☐ 200 ☐ 201 ☐ 202 ☐ 203 ☐ 204 ☐ 205 ☐ 206 ☐ 207 ☐ 208 ☐ 209 ☐ 210 ☐ 211 ☐ 212 ☐ 213 ☐ 214 ☐ 215 ☐ 216 ☐ 217 ☐ 218 ☐ 219 ☐ 220 ☐ 221 ☐ 222 ☐ 223 ☐ 224 ☐ 225 ☐ 226 ☐ 227 ☐ 228 ☐ 229 ☐ 230 ☐ 231 ☐ 232 ☐ 233 ☐ 234 ☐ 235 ☐ 236 ☐ 237 ☐ 238 ☐ 239 ☐ 240 ☐ 241 ☐ 242 ☐ 243 ☐ 244 ☐ 245 ☐ 246 ☐ 247 ☐ 248 ☐ 249 ☐ 250 ☐ 251 ☐ 252 ☐ 253 ☐ 254 ☐ 255 ☐ 256 ☐ 257 ☐ 258 ☐ 259 ☐ 260 ☐ 261 ☐ 262 ☐ 263 ☐ 264 ☐ 265 ☐ 266 ☐ 267 ☐ 268 ☐ 269 ☐ 270 ☐ 271 ☐ 272 ☐ 273 ☐ 274 ☐ 275 ☐ 276 ☐ 277 ☐ 278 ☐ 279 ☐ 280 ☐ 281 ☐ 282 ☐ 283 ☐ 284 ☐ 285 ☐ 286 ☐ 287 ☐ 288 ☐ 289 ☐ 290 ☐ 291 ☐ 292 ☐ 293 ☐ 294 ☐ 295 ☐ 296 ☐ 297 ☐ 298 ☐ 299 ☐ 300 ☐ 301 ☐ 302 ☐ 303 ☐ 304 ☐ 305 ☐ 306 ☐ 307 ☐ 308 ☐ 309 ☐ 310 ☐ 311 ☐ 312 ☐ 313 ☐ 314 ☐ 315 ☐ 316 ☐ 317 ☐ 318 ☐ 319 ☐ 320 ☐ 321 ☐ 322 ☐ 323 ☐ 324 ☐ 325 ☐ 326 ☐ 327 ☐ 328 ☐ 329 ☐ 330 ☐ 331 ☐ 332 ☐ 333 ☐ 334 ☐ 335 ☐ 336 ☐ 337 ☐ 338 ☐ 339 ☐ 340 ☐ 341 ☐ 342 ☐ 343 ☐ 344 ☐ 345 ☐ 346 ☐ 347 ☐ 348 ☐ 349 ☐ 350 ☐ 351 ☐ 352 ☐ 353 ☐ 354 ☐ 355 ☐ 356 ☐ 357 ☐ 358 ☐ 359 ☐ 360 ☐ 361 ☐ 362 ☐ 363 ☐ 364 ☐ 365 ☐ 366 ☐ 367 ☐ 368 ☐ 369 ☐ 370 ☐ 371 ☐ 372 ☐ 373 ☐ 374 ☐ 375 ☐ 376 ☐ 377 ☐ 378 ☐ 379 ☐ 380 ☐ 381 ☐ 382 ☐ 383 ☐ 384 ☐ 385 ☐ 386 ☐ 387 ☐ 388 ☐ 389 ☐ 390 ☐ 391 ☐ 392 ☐ 393 ☐ 394 ☐ 395 ☐ 396 ☐ 397 ☐ 398 ☐ 399 ☐ 400 ☐ 401 ☐ 402 ☐ 403 ☐ 404 ☐ 405 ☐ 406 ☐ 407 ☐ 408 ☐ 409 ☐ 410 ☐ 411 ☐ 412 ☐ 413 ☐ 414 ☐ 415 ☐ 416 ☐ 417 ☐ 418 ☐ 419 ☐ 420 <

REVIEWED BY: JS DATE 9/1/02

93-88-X 86
GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318
410-823-4470
FAX 410-823-4473

September 4, 1992

Description
To Accompany Zoning Petition
4.03 Acre Parcel
North of Ebenezer Road
West of Bird River Beach Road
Fifteenth Election District, Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of Ebenezer Road with the centerline of Bird River Beach Road (1) Northwestly 2500 feet more or less, measured along the centerline of Bird River Beach Road to the intersection of a private drive and (2) South 37 degrees 30 minutes West 480 feet more or less, leaving said point of beginning and running (1) South 14 degrees 00 minutes 00 seconds East 125.00 feet, (2) South 34 degrees 30 minutes 00 seconds West 355.00 feet, (3) North 57 degrees 00 minutes 00 seconds West 700.00 feet, (4) North 12 degrees 00 minutes 00 seconds East 95.00 feet, (5) South 75 degrees 11 minutes 35 seconds East 94.27 feet and (6) South 70 degrees 00 minutes 00 seconds East 850.00 feet to the point of beginning.

Containing 4.03 acres of land, more or less.



86

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 9/24/92
Posted for: Special Exception for
Petitioner: Wm. Zimmerman, et al
Location of property: 400 Bird River Beach Rd., 2500' N/Ebenezer Rd.
Location of Sign: Entry roadway, at entrance of private road, 400 Bird River Beach Rd.
Remarks: 10/2/92
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION
TOWSON, MD., 10/2, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/1, 1992

THE JEFFERSONIAN,

S. Zate [Signature]
Publisher

66.07

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R 001 6150
Number

Date

93-88-X

Please Make Checks Payable To: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R 001 6150
Number

Date

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

SEP. 23 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-88-X (Item 86)
W/S Bird River Beach Road, 2500' N of Ebenezer Road to intersection with private drive, then 480' SW
15th Election District - 5th Councilmanic
Petitioner(s): William G. Zimmerman, Albert H. Williams, and Jennie L. Folkes, Personal Representatives of the Estate of A. V. Williams

HEARING: THURSDAY, OCTOBER 22, 1992 at 9:00 a.m. in Rm. 106, Office Building

Special Exception for a riding stable.

[Signature]
Lawrence E. Schmitt
Zoning Commissioner of
Baltimore County

cc: Personal Representatives of the Estate of A. V. Williams
Thomas Shifflett
Bruce E. Dook/Gerhold, Cross & Etzel
NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

111 West Chesapeake Avenue
Towson, MD 21204

October 8, 1992

(410) 887-3353

Mr. William G. Zimmerman
Ms. Jennie L. Folkes
8660 Pulaski Highway
Baltimore, MD 21237

RE: Item No. 86, Case No. 93-88-X
Petitioner: Estate of A. V. Williams, et al
Petition for Special Exception

Dear Mr. Zimmerman & Ms. Folkes:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
8th day of September, 1992

[Signature]
ARNOLD JASBON
DIRECTOR

Received By:
W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Estate of A. V. Williams, et al
Petitioner's Attorney:

Development Review Committee Response Form
Authorized signature: [Signature] Date: 9/23/92

Project Name: Stonegate at Patapsco (Aerial Property)
File Number: 90476
ZON DED TE (Waiting for developer to submit plans first)
COUNT 1

File Number	Waiver Number	Zoning Issue	Meeting Date
90476		Stonegate at Patapsco (Aerial Property)	6-1-92
COUNT 1			
DED DEPRM RP STP TE	100	9/21/92	comment
✓ Oliver Jones/Long Green Hotel	101		NC
✓ William G. Zimmermann for Estate of A.V. Williams			NC
✓ Lorenz Construction, Inc.	87		NC
✓ Gerard E. and Susan L. Quinn	88		NC
✓ Michael S. and Margaret L. Craft	89		NC
✓ Eric H. and Margaret W. Naviasky	97		NC
✓ Abrams Development Group	98		NC
✓ Richard H. O'Connell	99		NC

COUNT 9
FINAL TOTALS
COUNT 10
Rec'd 9/24/92



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 486 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David T. Ramsey 9/24/92
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 23, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petition(s) from Zoning Advisory Committee
September 21, 1992

The Office of Planning and Zoning has no comments on the following petition(s):

William Zimmerman for Estate of A.V. Williams, Item No. 86 ✓
Gerard and Susan Quinn, Item No. 88 ✓

If there should be any further questions or if this Office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Francis Morsey

Division Chief: Ervin McDaniel

EMcD:FM:bjs

Rec'd jw 9/24/92

ITEM88/ZAC1

DPD/Traffic Engineering
Development Review Committee Response Form
Authorized signature: _____

09/22/92

Date 9/22/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Stonegate at Patapsco (Azeal Property)
90476 ZON DED 1E (Waiting for developer to submit plans first) 6-1-92

COUNT 1

Walter T. Anderson and Charles E. Maynard
100 W/C 9/21/92

DED DEPRM RP STP TE
Oliver Jones/Long Green Hotel 101 MT

DED DEPRM RP TSP TE
William G. Zimmermann for Estate of A.V. Williams 86 N/C

DED DEPRM RP STP TE
Lorenz Construction, Inc. 87 N/C

DED DEPRM RP STP TE
Gerard E. and Susan L. Quinn 88 N/C

DED DEPRM RP STP TE
Michael S. and Margaret L. Craft 89 N/C

DED DEPRM RP STP TE
Eric H. and Margaret W. Naviasky 97 N/C

DED DEPRM RP STP TE
Abrams Development Group 98 W/C

DED DEPRM RP STP TE
Richard H. O'Connell 99 N/C

COUNT 9

FINAL TOTALS
COUNT 10

Rec'd jw 9/24/92

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 29, 1992

FROM: J. Lawrence Pilon JLP/mms
Development Coordinator, DEPRM

SUBJECT: Zoning Item #86
W/S Bird River Beach Road, 2500' North of Ebenezer Road
to intersection with private drive, then 480' SW - Williams
Zoning Advisory Committee Meeting of September 21, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

According to a representative of Gerhold, Cross & Etzel, no wells or septic exist and no wells or septic are planned for this property.

The Division of Ground Water Management (887-3980) must be contacted if these services are to be provided in the future.

LP:sp

BIRD/R/TXTS/BP

RECEIVED
OCT 5 1992

ZONING OFFICE

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

SEPTEMBER 30, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM G. ZIMMERMAN, PERSONAL REPRES. & ALBERT H. WILLIAMS, PERSONAL REP. & JENNIE L. FOWLKES, PERSONAL REP. FOR ESTATE OF A.V. WILLIAMS.

Location: W/S BIRD RIVER BEACH ROAD

Item No.: +86 (JLL) Zoning Agenda: SEPTEMBER 21, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: _____ Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: _____

Date 9/20/92

Project Name
File Number Waiver Number Zoning Issue Meeting Date

Walter T. Anderson and Charles E. Maynard
100 9/21/92

DED DEPRM RP STP TE
Oliver Jones/Long Green Hotel 101 No Comment

DED DEPRM RP TSP TE
William G. Zimmermann for Estate of A.V. Williams 86 No Comment

DED DEPRM RP STP TE
Lorenz Construction, Inc. 87 No Comment

DED DEPRM RP STP TE
Gerard E. and Susan L. Quinn 88 No Comment

DED DEPRM RP STP TE
Michael S. and Margaret L. Craft 89 No Comment

DED DEPRM RP STP TE
Eric H. and Margaret W. Naviasky 97 No Comment

DED DEPRM RP STP TE
Abrams Development Group 98 No Comment

DED DEPRM RP STP TE
Richard H. O'Connell 99 No Comment

COUNT 9

FINAL TOTALS
COUNT 9

*** END OF REPORT ***

RECEIVED
OCT 5 1992

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Councilman Vince Gardina November 9, 1992

FROM: Arnold Jablon

RE: Case No. 93-88-X

The Deputy Zoning Commissioner recently granted a special exception for a riding stable in the above captioned matter, and delineated certain restrictions. A copy of the decision is attached hereto.

As you know, there are 8 zoning inspectors for the entire county, with responsibility for 650 square miles. Each councilmanic district is assigned one inspector, with the eighth inspector assigned to the third councilmanic district (because of its geographic size) and with general responsibility for commercial and industrial inspections. Historically, we react to complaints. While we will initiate complaints, due to the manpower available and to the number of complaints received from outside sources (citizens, county agencies, council), this office does not, nor can not, initiate complaints as a normal function. Unless we receive a complaint, we do not have the time or resources for the inspectors to pick-up on their own.

Therefore, the simple answer to Mr. Sunderland's question is that no one had ever complained before about the continuing operation, and we would not have investigated it due to the lack of a complaint. As for a fine, neither the zoning commissioner nor I have the authority to levy a fine. The District Court has the authority, but no violation citation had been issued, and with the approval granted by the deputy zoning commissioner, the potential for a fine is now moot. We will not issue a violation because the operation has now been legalized by order of the deputy zoning commissioner. No court would impose a fine under such circumstances. Indeed, the inherent purpose of our laws is to insure compliance with them, not to impose penalties. The latter is the last resort, and, in the instant case, the property owner moved to legalize the operation as soon as he was informed by the zoning office that the stable was operating illegally.

I hope the above responds to the concerns raised by Mr. Sunderland.

AJ:ech

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: Arnold Jablon, Director
ZADM

FROM: Vince Gardina, Councilman
5th District

SUBJECT: Attached letter
Special Exception - Case # 93-88-X

DATE: November 2, 1992

In the attached letter Mr. Sunderland makes the point that the riding stable involved in the special exception hearing has been operating in violation of our county zoning laws since 1990 and the prior tenant had been in violation since 1984, although the state had inspected the property in 1990. Mr. Sunderland would also like an explanation of why no fines have been levied against the property owner since the owners operated in violation of the regulations for several years.

I would appreciate your investigation so that I may respond to Mr. Sunderland.

Thank you for assistance.

VG:me
cc: Mr. William H. Sunderland

RECEIVED
NOV 6 1992

ZONING OFFICE

October 27, 1992
6602 Ebeneser Road
Baltimore, Maryland 21220
(410) 335-2331

Camille Anne Carlin
1325 Eastern Boulevard
Bowie, Maryland 21221

The hearing on zoning case 93-88-X for a Special Exception from 6-204 for a Riding Stable on Bird River Beach Road was held on October 27, 1992. The exception will be granted with certain restrictions which both parties will have an opportunity to comment. There was no reason not to grant the exception if the lesser applicant observe all applicable laws and insist the riders to the same. The hearing examiner impressed me as being quite fair and impartial.

I have two problems in reviewing this matter to date. The property has been leased since 1984, every tenant stabling horses and/or riding on the property. The current tenant started about January 1990, the first State Inspection was on January 12, 1990. I have some difficulty understanding how such a facility could operate for such a lengthy time in violation of zoning and in the case of the present tenant, ignoring all applicable laws.

I have a larger problem in trying to understand why there is no mention of a fine being levied. I feel very strongly that some fine should be levied. With the crunch on revenues, fines are a source as well as a penalty.

I would appreciate your ascertaining whether action will be taken to pursue this or advise me who to contact.

Very sincerely,
William H. Sunderland
William H. Sunderland

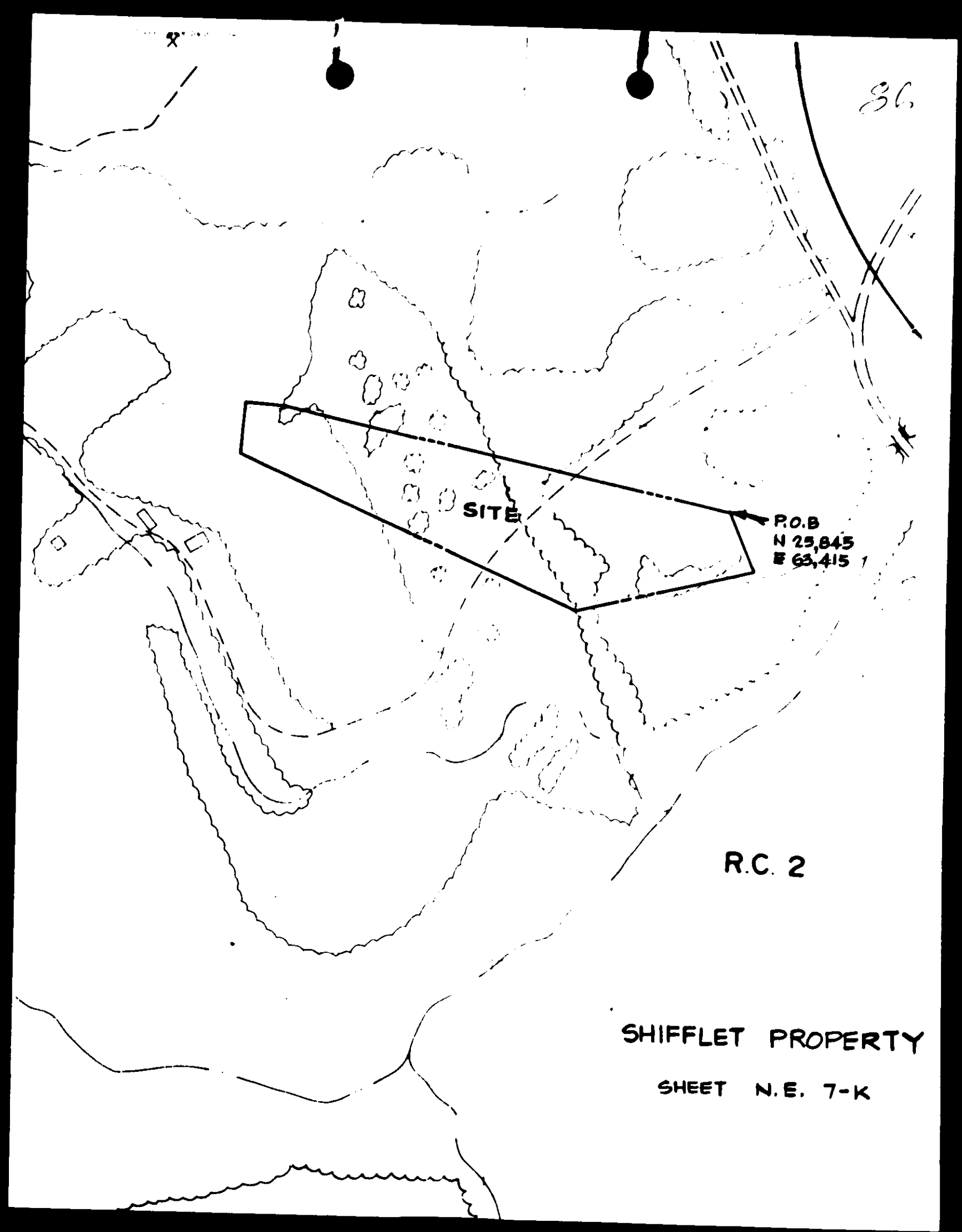
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>William H. Sunderland</i>	<i>6602 Ebeneser Road - Bldg #1220</i>

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Robert E. Duan - General Counsel</i>	<i>320 E. Townsend Blvd. Towson, Md. Suite 100</i>
<i>Linda V. Shifflett</i>	<i>43 Right Wing Dr. Catonsville, Md. 21220</i>
<i>Thomas M. Shifflett</i>	<i>43 Right Wing Dr. Catonsville, Md. 21220</i>
<i>Brandon L. Wolfe</i>	<i>1228 Stimples Rd. Baltimore, Md. 21220</i>
<i>David L. Wolfe</i>	<i>1228 "</i>



Case 93-88-X Special Exception, Riding Stable

Pot Ex #1

I am William H. Sunderland, owner and resident for 56 years at 6602 Ebeneser Road, Baltimore County. Portions of the property front Bird River Beach Road and Ebeneser Road. The corner at the intersection is a small grassy plot as shown on the accompanying photograph.

The facility has been operating since about January 1990 as the Exotic Spins Farm on property that has been used since 1984 to stable horses and/or riding. Exotic Spins Farm has been operating in violation of the zoning and without a Boarding License as required by Section 6-231 of the Baltimore County Code 1991. They also were in violation of Section 7-8 of the Building and Building Regulations Code requiring address numbers on improved property. A large sign advertising Exotic Spins Farm had been erected adjacent to Bird River Beach Road without the required County permit. Every rider who left the Exotic Spins Property violated Section 6-206, Animal Waste of the 1988 Baltimore County Code when the horse deposited its dung on the public byways or private property. Section 6-204 makes the keeper and/or stable owner also liable.

Section 6-206 Animal Waste is very specific stating 'The owner of every animal shall be responsible for the removal of excreta deposited by his animal on public byways, recreational areas or private property'. I had such dung deposited on the corner of my property, along the shoulder of Ebeneser Road fronting my property and large amounts in front of my mail box and driveway. The minister of the church across the road had large amounts in front of his mail box. You could trace the horses along Bird River Beach Road by the droppings. Around June 1992, riders were barred from riding on a tract of private property. Then my troubles began.

Riders started riding out Bird River Beach Road, across the corner of my property on to Ebeneser Road. I blocked the two small openings with brush which was removed. The cable between the posts was dismantled but could not be removed since it is theft proof. I put up fence wire which was repeatedly cut. Since this is classed as a crime against property, the Baltimore County Police issued two Form 10- Crime Reports as well as visiting Exotic Spins Farm several times. Metal 'No Trespassing' signs were stolen. Finally I closed the openings with brightly steel cable. Anonymous calls were made to BGE about the cable around the utility pole. The BGE representative who called me said it was obviously a spite call and he cautioned me, the same as several police officers, to be alert for serious vandalism. It was not necessary to remove the cable. When the leaser and tenant stated they had no control over where the riders ride or their actions despite the provisions of Section 6-206 making them liable for damage, I decided to see if I could curb their unlawful actions.

I took this step reluctantly, as it required considerable time and some expense. At my age time is precious and the zoning and other violations are the result of my investigations. Frankly, I was unaware of the stables until the riders started trespassing across my property and depositing dung. It stretches credulity to the outer limits to believe that any leaser and/or tenant would start any enterprise in this day and age without becoming familiar with the zoning and legal requirements.

You have a facility petitioning for a Special Exception who has blatantly failed to observe the Baltimore County laws for a considerable period of time under the guise of being unaware of them. They have attracted a number of undesirable who feel that any property is fair game to ride over. The leaser and tenant absolve their selves from any responsibility for the unlawful actions of the riders. For the Zoning Commission to grant the Special Exception and turn these type of riders loose in a community is an affront to law abiding residents but puts a burden on Animal Control and the Police to respond to calls relative to their violations. It would be tacit approval for riders to roam the byways and byways brazenly defying those laws governing the behavior of

riders of horses.

William H. Sunderland
William H. Sunderland
6602 Ebeneser Road
Baltimore, Maryland 21220-1218
(410) 335-2331



LEASE

Pot Ex #2

LEASE AGREEMENT, made this 1st day of October, 1991, by and between ALBERT V. WILLIAMS (hereinafter "Landlord"), and THOMAS SHIFFLETT (hereinafter "Tenant").

WHEREAS, the parties mutually desire to enter this Lease, do hereby agree as follows:

I. DEMISED PROPERTY. Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, 57.77 acres, more or less, of land known as the Hackett/Siejack properties located on Bird River Beach Road, in the Fifteenth Election District, Baltimore County, Maryland, which demised property is outlined in red on the plat attached hereto and marked as Exhibit 1 and made a part hereof.

II. Term. The term of this Lease shall be one year, beginning on September 1, 1991, and terminating on August 31, 1992, provided, however, that if the demised property is sold, or if the Landlord dies, or if the Tenant breaches this lease, the Landlord (or his representative) has the option to terminate this Lease by giving Tenant one (1) month's notice of termination. This lease is not renewable.

III. Rent. Tenant shall pay to the Landlord rent of five-hundred fifty dollars (\$550.00) per month for the term of this Lease. Rent shall be paid in advance on the 1st day of each month during the term of this Lease. Rent shall be paid to Landlord at 8660 Pulaski Highway, Baltimore, Maryland 21237. If rent is paid after the 15th of the month, the Tenant will be assessed a late fee

8-24-92

Pot Ex #3

I, Dorothy L. Tischer, have personal knowledge, and or recollection that livestock has resided, at the present location of Exotic Spins Farm, on Bird River Beach Road for approximately 49 years.

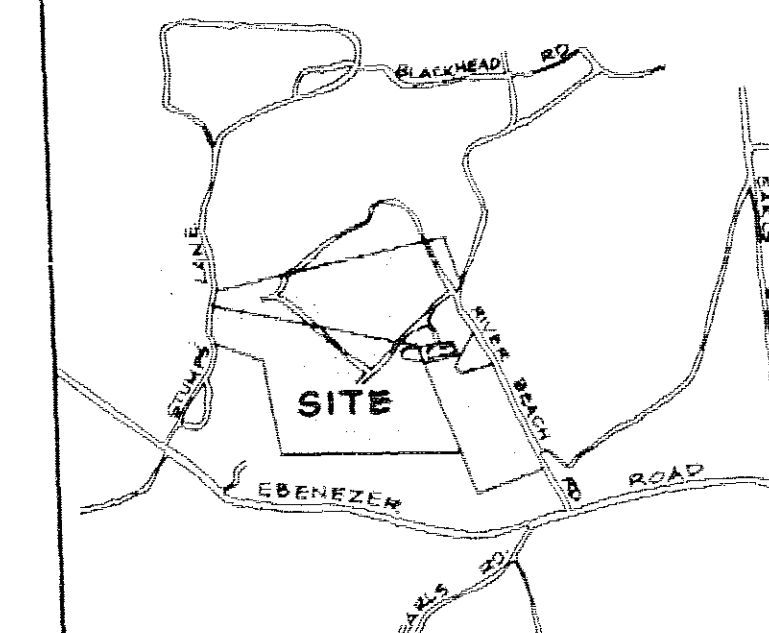
Dorothy L. Tischer
Date 9/7/92

I, Dorothy L. Tischer, have personal knowledge that Exotic Spins Farm has been in operation under Thomas Shifflett since 1984. I support this boarding stable, and hope to see this tradition of horses continue in this community.

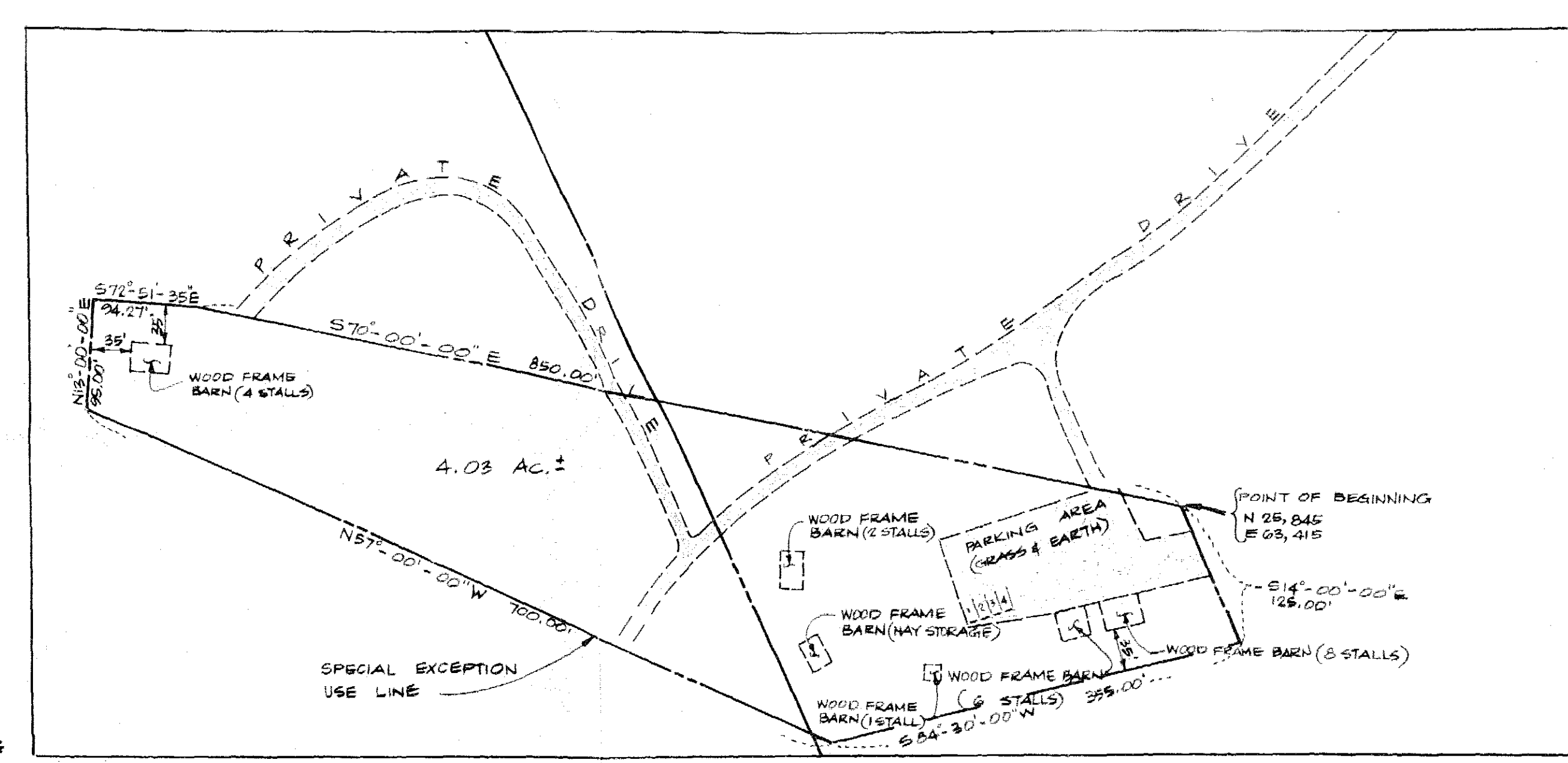
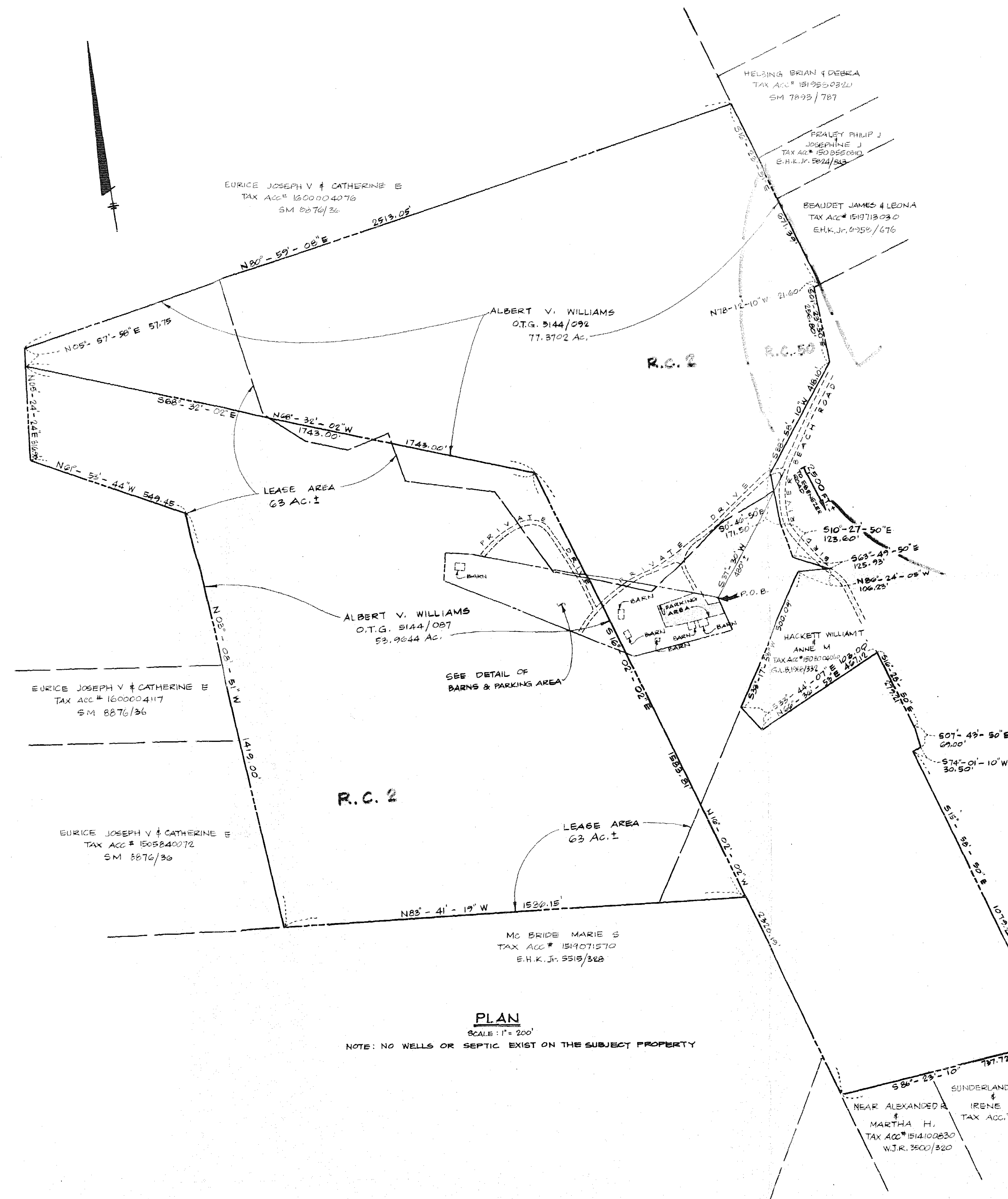
Dorothy L. Tischer
Date 9/7/92

Name Dorothy L. Tischer
Address 6526 Rockland Rd.
City/County Baltimore State MD Zip 21220

COMMENTS: As a member of the farm, it was a joy to have the horse farm close by. I would like to see the farm remain as a horse farm symbol of the part of 'no area'



VICINITY MAP
SCALE: 1" = 2000'



DETAILS OF BARN & PARKING AREA
SCALE: 1" = 100'

Per Ex #1

PLAN TO ACCOMPANY SPECIAL EXCEPTION

PROPERTY OF ALBERT V. WILLIAMS
15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 200' DATE: AUG. 28, 1992
ZONING: R.C.2
ZONING MAP: 6HT, N.E. 7K
THERE ARE NO UTILITIES ON SITE
GERHOLD CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS
SUITE 100
320 TOWNSHOWN BOULEVARD
TOWSON, MARYLAND 21286

NOTE: REASON FOR SUBMITTAL IS TO APPROVE
AN EXISTING RIDING STABLE IN A R.C.2
ZONE PER S.1A01.2.C.17 IN ACCORDANCE
WITH THE SUBMITTED PLAN.

PLAN

SCALE: 1" = 200'

NOTE: NO WELLS OR SEPTIC EXIST ON THE SUBJECT PROPERTY